

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/522,044
Applicants: Peter Drott et al.
Filed: January 19, 2005
Title: SEALING COLLAR
T.C./A.U.: 3673
Examiner: Lee, Gilbert Y.
Confirmation No.: 3988
Notice of Appeal Filed: September 17, 2007
Docket No.: PC10483US

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

S I R :

Appellants hereby submit this Reply Brief in response to the Examiner's Answer mailed February 8, 2008. A major issue in this appeal is the Examiner's interpretation that elements 21, 5 and D in Fig. 2 of Zollner are a "cylinder" with surfaces that make "one unitary body". These three elements are identified below for the Board's convenience, because they are not labeled as such in Zollner.

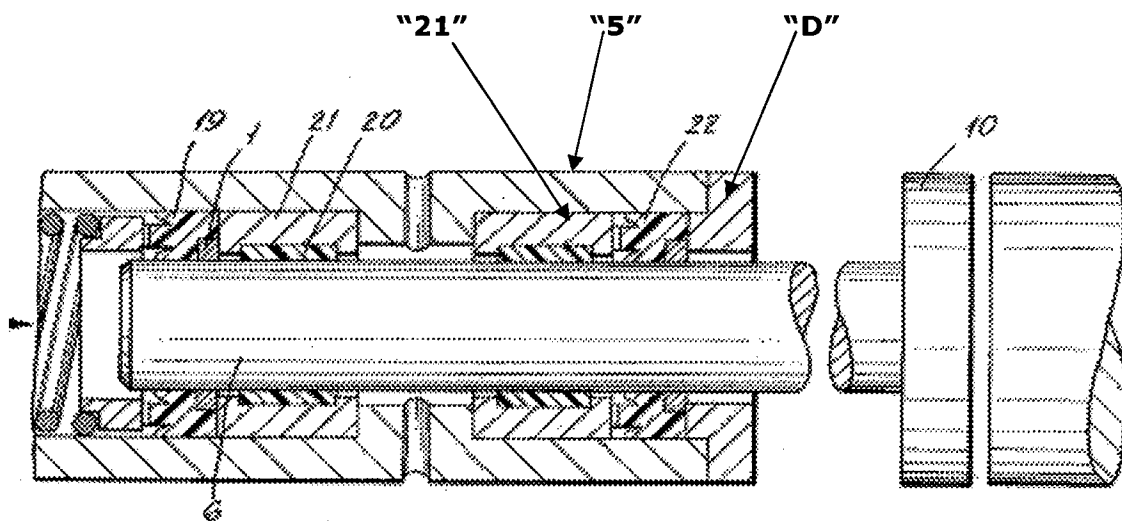
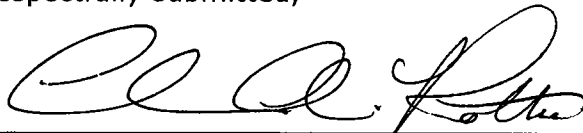


FIG. 2

The Examiner states that parts 21, 22, D and 5 are not independently movable, apparently looking at them as assembled. (See Answer, p. 9, lines 12-20). Even when the parts are assembled, the parts are independently moveable. Seal 22 is formed of a compressible material that deforms under operating conditions. (See Col. 1, lines 55-56; Col. 3, lines 38-40). In contrast, "rigid holding ring 21" is not deformable under operating conditions. (Col. 4, lines 39-40). Because compressible seal 22 deforms in response to back pressure, the adjacent holding ring 21 is moveable relative to sleeve 5 when seal 22 deforms. Therefore, ring 21 is independently moveable relative to sleeve 5, even when assembled.

The issue is not solely whether the components are independently moving, but rather, whether their surfaces are "one unitary body" as recited in claims 15, 16 and 24. The surfaces on elements 21, D and 5 are not "one unitary body" due to the dynamic behavior of seal 22 and ring 21 noted above. In addition, the independent parts have different physical properties, such as elasticity and plasticity. The Examiner interprets the phrase "one unitary body" to broadly mean "one unit", apparently without regard to these differences in dynamic behavior and physical properties. (Answer, p. 9, line 14). This interpretation renders "one unitary body" completely meaningless in the claims, because the recited elements of the claims are understood to be part of a unit. Because an Examiner can not interpret claim language in a manner that renders the language meaningless, Appellants respectfully request the Board's reversal of all the claim rejections.

Respectfully submitted,



Robert P. Seitter, Reg. No. 24,856
Christopher A. Rothe, Reg. No. 54,650
Attorneys for Appellants

RPS/CAR/dhm

Dated: March 17, 2008

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